

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division.

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5 United States of America,

⁶ plaintiff,

8 Faye W. Kriete,

defendant

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13 before: Honorable Robert E. Payne
Senior United States District Court Judge

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19 GILBERT F. HALASZ RMR
Official Court Reporter
20 U. S. Courthouse
701 East Broad Street
21 Richmond, VA 23219
(804) 916-2248
22 APPEARANCES

23

24

25

1 MICHAEL C. Moore, ESQ.,
2 ASSISTANT UNITED STATES ATTORNEY
3 FOR THE UNITED STATES
4
5 CHRISTOPHER COLLINS, ESQ.
6 FOR THE DEFENDANT
7 THE DEFENDANT
8 IN HER OWN BEHALF
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1 THE CLERK: Case number 3:10 CR 151.

2 The United States of America versus Faye W.

3 Kriete.

4 United States is represented by Michael Moore.

5 The defendant is represented by Christopher
6 Collins.

7 Are counsel ready to proceed?

8 MR. MOORE: United States is ready.

9 MR. COLLINS: Mrs. Kriete is ready, Judge.

10 THE COURT: All right, sir. Excuse me.

11 MR. MOORE: Your Honor, Ms Kriete is before The
12 Court for her sentencing following her June 10
13 guilty plea to a criminal information charging her
14 with bank fraud in violation of title 18 United
15 States Code section 1344. The maximum penalty for
16 that offense is 30 years of imprisonment, five year
17 period of supervised release, and a one million
18 dollar fine, and a hundred dollar special
19 assessment.

20 The advisory guideline range as calculated by
21 the probation office is four to ten months and the
22 defendant falls into zone B of the guideline table.
23 There are no objections to the presentence report.
24 The government is also aware that a victim in this
25 matter, Neal Kriete, has filed with The Court a

1 victim impact statement claiming various alleged
2 items of restitution. The government's position,
3 having reviewed title 18 United States Code section
4 3663 (a), the mandatory victim restitution act, is
5 those items are not recoverable as restitution in
6 this case: I am also advised Mr. Kriete is here
7 represented by counsel, and he wishes to exercise
8 his right to allocate under title 18 United States
9 Code section 3771 (a) 4.

10 THE COURT: All right. Stand up, Ms Kriete.
11 Have you read the presentence report?

12 THE DEFENDANT: Yes, I have, Your Honor.

13 THE COURT: Have you been over it with your
14 lawyer?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: And are there any objections to it?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: All right. You may be seated.

19 MR. COLLINS: Judge, that is sort of an iffy
20 no.

21 THE COURT: What?

22 MR. COLLINS: Sort of an iffy no she gave you
23 on my behalf. I did not file an objection to the
24 victim impact statement because I don't think I can.
25 I think The Court is --

1 THE COURT: No, you can't. The victim is
2 entitled to.

3 MR. COLLINS: We would dispute some of the
4 rantings contained in it. I was --

5 THE COURT: Well, that is not part of the
6 presentence report.

7 MR. COLLINS: I understand.

8 THE COURT: There are no objections to the
9 prior?

10 MR. COLLINS: Not to the presentence report, of
11 course. Thank you, Judge.

12 THE COURT: All right.

13 The presentence report is hereby accepted,
14 adopted, filed as tendered. It will be placed in
15 the record. It will be under seal. Well, I guess
16 it is attached to the presentence report, isn't it?

17 MR. COLLINS: It is now. When I first got it
18 it was not.

19 THE COURT: Is it part of the presentence
20 report or not?

21 PROBATION OFFICER: Submitted as part of the
22 presentence report, Your Honor.

23 THE COURT: All right.

24 Well, except for the statement, impact
25 statement of Neal Richard Kriete, insofar as the

1 relief that is requested is concerned, the
2 presentence report will be accepted, adopted, filed
3 as tendered. The Court will review the presentence
4 report. I mean has reviewed the impact statement.
5 But there is nothing I can do about what is
6 contained in there now.

7 MR. COLLINS: Thank you.

8 THE COURT: That is a matter for other
9 litigation, I believe. I can't figure out how under
10 the law that would be recoverable as restitution in
11 this case. That does not mean that he may not have
12 a civil action against her for actions. All right.

13 Well, do you have any evidence other than
14 Mr. Kriete's statement?

15 MR. MOORE: I do not, Your Honor.

16 THE COURT: All right.

17 Does Mr. Kriete wish to testify? I have the
18 impact statement, and I have read it.

19 Is Mr. Kriete here?

20 MR. KREITE: Yes, sir.

21 THE COURT: Do you want him to testify?

22 MR. KREITE: Yes, sir.

23 MR. MOORE: He is going to allocute.

24 THE COURT: Well, you can speak on your own
25 behalf. You don't have to be sworn.

1 MR. KREITE: Your Honor, as a result of the
2 crime that was committed against me that we are
3 dealing today, it destroyed my credit rating. I
4 have been denied two loans. I have to use my
5 retirement savings to pay attorneys and legal fees.
6 I have had to sell assets that I didn't really want
7 to sell to prevent a home from going into
8 foreclosure, and a second mortgage to keep both of
9 these current until the home was sold.

10 And after the sale of the house, with the
11 current housing market like it is, a substantial
12 loss on the sale of the property. My retirement
13 savings is now gone. I have \$25,000 in legal
14 expenses, and I have lost just about everything I
15 have worked for my entire life.

16 There is much more that I could say, but I want
17 to try to limit it to the main things that -- the
18 main topics of the impact that this has caused me.

19 The emotional stress and strain that I have
20 lived under for the last three and a half years is
21 just mind boggling. I am seeing a psychiatrist. I
22 have talked to numerous attorneys. And you I have
23 been pursuing justice now for three and a half years
24 in this matter.

25 It is much more complicated than this one

1 charge. I do plan on pursuing other charges
2 whenever I can get an investigation. I would like
3 to ask The Court to grant me that investigation.

4 THE COURT: I can't really order an
5 investigation.

6 MR. KREITE: I have five other felonies that
7 need to be investigated.

8 THE COURT: My suggestion is you present all
9 you have to the --

10 What agency is investigating this crime,
11 Mr. Moore?

12 MR. MOORE: Your Honor, the Hanover County
13 Sheriff's Department has been involved with most of
14 the other collateral matters that Mr. Kriete
15 references.

16 THE COURT: Well, you submit your claim, you
17 direct it to the Federal Bureau of Investigation and
18 to the United States Attorney for the Eastern
19 District of Virginia, and to the state authorities
20 and they have the power to investigate. And they
21 can do, or bring charges. The Court doesn't have
22 the power to do that, and can't bring charges on its
23 own right.

24 MR. KREITE: I understand, Your Honor.

25 THE COURT: I do understand exactly what you

1 are saying.

2 MR. KREITE: Your Honor, I have not been able
3 to get the investigation that I have asked for. I
4 have presented the evidence. I have a folder full
5 of evidence. There was an arrest made in March of
6 2008 in Hanover County for check larceny. And that
7 was quickly dismissed. I have a folder full of bad
8 checks, some written to the mortgage company, some
9 of them written to the second mortgage company, some
10 of them written to the credit --

11 THE COURT: Bad checks or what?

12 MR. KREITE: Worthless checks written on a
13 closed or frozen account as payment on the first and
14 second mortgage, as well as the credit card issue
15 that we are dealing with today. There was two bad
16 checks written to Chase Manhattan Bank. I have
17 copies of all of this information. I also --

18 THE COURT: Well, did they come after you to
19 collect on the check?

20 MR. KREITE: Yes, sir. I am having to deal
21 with Chase Manhattan on my own. They are not
22 willing to press charges, apparently, or do not care
23 to get involved in this case, but they should be.

24 THE COURT: I am going to recommend that the
25 United States Attorney, Mr. McBride, take a look at

1 this case. This is an egregious fraud. It is a
2 terrible situation. And just from what I see, there
3 appear to be more crimes involved here than is
4 reflected in this particular case.

5 MR. KREITE: Yes, sir.

6 THE COURT: Mr. Moore, you take this case and
7 you take -- you go talk to Mr. McBride about it,
8 because there is a whole lot more here than you all
9 have brought.

10 MR. KREITE: Yes, sir.

11 THE COURT: I believe that is true. I don't
12 know all of the evidence. I am just saying that
13 there is a whole lot from his evidence. What he
14 presented, there is a whole lot more here than just
15 this case. I don't know what the other factors are.
16 I don't have a full investigation, so I can't make a
17 judgment as to whether or not there is any charges
18 to be brought in this situation. I can't do
19 anything with respect to the state. But I will tell
20 you if I were you I would go to the Commonwealth's
21 Attorney. I would go to my representative. And I
22 would go pursue this to the hilt.

23 THE DEFENDANT: Your Honor.

24 THE COURT: And we would get to see how to sue
25 her civilly. And if you have criminal or credit

1 issues that are created by her, I would go see a law
2 firm that specializes in credit law, such as
3 Mr. Bennett. I think he is called Consumer
4 Litigation Associates. And tell them what the
5 situation is. And he can help you deal with the
6 credit card companies and with the other people.

7 I think you have been mightily wronged, but the
8 place to redress the wrongs is not in this case,
9 unfortunately. But I understand your situation.

10 MR. KREITE: After three and a half years of
11 pursuing justice, and trying to get this
12 investigation that I still need, I have not been
13 able to get that from the jurisdictions where the
14 crimes were committed. I have been ignored. I have
15 been refused. I have been violated. My phone calls
16 have not been returned. And I have been had
17 absolutely no response from the sheriff's department
18 in the jurisdiction, which is Hanover County.

19 THE COURT: Go to the Commonwealth's Attorney.

20 MR. KREITE: I have already been there. He
21 told me this crime we are dealing with today was a
22 civil matter, and he was not going to deal with it.
23 The --

24 THE COURT: It clearly is a criminal matter.

25 MR. KREITE: Postal inspectors concluded his

1 investigation. And found identify theft, number
2 one; credit card fraud, number two; and a postal
3 crime has been committed as well, which is why I now
4 have no recourse against the credit card company.
5 The crime was not reported within 30 days, is what I
6 have been told. And they have no liability now for
7 that reason. That is due to the postal crime that
8 was committed where the billing statements were
9 transferred out of my hands.

10 THE COURT: Do you have proof they found that
11 crime?

12 MR. KREITE: Yes, sir.

13 THE COURT: No, I mean proof they found that it
14 was a crime, postal fraud?

15 MR. KREITE: That is what I was told by
16 Mr. O'Donnell. His investigation turned up three
17 counts of crime, not one. He took it to the Hanover
18 Commonwealth's Attorney for prosecution. He tried
19 to get the charges reduced. And when Mr. O'Donnell
20 refused to do that, he refused to prosecute the
21 case. I told him he was wasting his time going to
22 Hanover, but he said he had to go there first
23 because that is the jurisdiction where the crimes
24 were committed. He told me he was now going to the
25 U.S. Attorney, which he did. And he got a

1 prosecution on one count, not three. Identity
2 theft, credit card fraud, and postal fraud. That is
3 why the U.S. Postal Inspection Service is involved.
4 And I commend them for a job well done.

5 THE COURT: All right.

6 Anything else, sir?

7 MR. KREITE: Well, there is a lot more, Your
8 Honor, but I guess we will have to deal with the
9 rest of it at another time in another court. But I
10 need a police investigation of the rest of this
11 case.

12 THE COURT: All right.

13 MR. KREITE: Thank you.

14 THE COURT: Thank you.

15 MR. MOORE: Your Honor, we will continue to
16 communicate with the local authorities, and I will
17 bring your concerns --

18 THE COURT: I am rather astounded by what I
19 have read, and what hasn't happened in Hanover
20 County. I don't know who is assessing what in the
21 way of the law out there, but it is truly bizarre if
22 what he says is true about the facts, and in what he
23 says the response is. I don't know if that is true.
24 But this -- she is a one-woman crime spree is what
25 she is. That is exactly what her situation is. And

1 the damage that she has caused him is enormous.

2 I will tell you that I am giving notice now
3 that I am considering a sentence above the advisory
4 guidelines, a variant sentence, and it will be a
5 significant sentence. If you would like more time
6 to prepare and explain why either one of you don't
7 think that is appropriate, or do think it is
8 appropriate, I will be glad to give you time to
9 prepare. And we will continue the sentencing. You
10 all can brief the issue. It will be a significant,
11 sentence perhaps in the neighborhood of five years
12 in prison is warranted.

13 MR. COLLINS: Judge, I would certainly like
14 more time, and like to call witnesses.

15 THE COURT: Okay. You can.

16 MR. COLLINS: Mr. Kriete is right, they are not
17 prosecuting because they don't believe half of what
18 he says.

19 THE COURT: I am just talking about what she
20 did here, what can be proved.

21 MR. COLLINS: Well, I don't know that anything
22 is proven by what he says.

23 THE COURT: Talking about what she did in here.

24 MR. COLLINS: All of those bills are proved
25 during a pretty acrimonious divorce. Not her fault

1 that she is divorced. They are getting divorced.
2 This is a guy who had a protective order put against
3 him because he put a snake in her car. His
4 credibility with the police is less than zero. The
5 last time he sent them out to her they apologized to
6 her.

7 THE COURT: Well, the police found, postal
8 inspector found several charges, according to him, I
9 don't know whether he did or he didn't.

10 MR. COLLINS: Concerning this particular event,
11 there could have been several charges brought, and
12 we worked it out to one charge.

13 THE COURT: You did, but you don't have a deal
14 on the sentence.

15 MR. COLLINS: Correct.

16 THE COURT: Just what I see here in this case
17 is unbelievable.

18 MR. COLLINS: I think it is if The Court takes
19 that at face value.

20 THE COURT: I take the statement as facts at
21 face value, and the plea agreement at face value.

22 MR. COLLINS: You can do that.

23 THE COURT: I am entitled to do that. I can't
24 decide whether what he says is true or not. What I
25 said about what is going on means that he should go

1 get some recourse somewhere else and have it looked
2 into. And maybe he -- I am sure, as in every
3 divorce, there is more than one person involved.
4 And there is more than one person who is at fault.
5 That is inevitable. But this is, it looks to me
6 like this is a very substantial fraud that she
7 committed here. It is very deliberate. And very
8 extensive. I don't think ten months is an
9 appropriate sentence in the case.

10 MR. COLLINS: Well, I would like --

11 THE COURT: It could be more. Whether five
12 years or two years, or one year, I don't know. But
13 I believe it needs to be more. I am considering an
14 upward variance. I don't know how much I would
15 impose. I haven't -- I want to hear from all of you
16 on that. So would you get my book, please?

17 I don't know what is going on behind the
18 scenes, but I can tell you this. There is enough
19 there to warrant a look see. And the mere fact that
20 during the course of an investigation he did, or a
21 divorce, did something that warranted a protective
22 order is no excuse for the commission of frauds. If
23 the police think it is, then they are wrong. What
24 they need to do is to look at the substance of the
25 fraud, not to look at and the evidence that relates

1 to that. Not to decide because this guy acted like
2 a jerk on one occasion or two occasions that he
3 wasn't defrauded. I don't know whether that is what
4 has happened or not. That is what he says has
5 happened. I don't know that. But if it has
6 happened, it is not the way to run an operation and
7 look into something. You have got to actively look
8 at the nature of the alleged offense. And she
9 already has committed enough crime and confessed to
10 enough crime to leave a reasonable law enforcement
11 officer to believe that one ought to look into these
12 matters closely, and not be skewed by what happened
13 in a divorce.

14 MR. COLLINS: I am not suggesting that the
15 police were skewed by what happened to the divorce.
16 I think they looked into everything and rejected it.

17 THE COURT: Doesn't sound to me like they did.

18 MR. COLLINS: Well --

19 THE COURT: In fact, if what I just heard is
20 right, the federal authorities produced evidence of
21 a lot of crime. That let -- and that the state
22 people wouldn't even look at it. Somebody needs
23 to -- I don't know what is going on out there, but
24 that is not the way to run a railroad. I don't know
25 what the answer to all this is.

1 How long do you want to file your papers on
2 whether a variant ought to be granted? You can have
3 whatever reasonable time you like, and I will set it
4 on a schedule and re-schedule the sentencing, and
5 give the government a chance to file, too.

6 How long do you want to file, Mr. Collins?

7 MR. COLLINS: At least 30 days, Judge. Say
8 November 1st?

9 THE COURT: All right.

10 MR. MOORE: I can file a response within ten
11 days thereafter, Your Honor.

12 THE COURT: All right.

13 You file your paper on November 1st. You file
14 yours on November 10. And both of you send copies
15 to Mr. Kriete.

16 MR. MOORE: He is represented by counsel.

17 THE COURT: You send them to his counsel then.

18 MR. MOORE: Yes, Your Honor. And then --

19 THE COURT: I have a sentencing December 10 at
20 1:30. Can we do that?

21 MR. COLLINS: That is fine.

22 MR. MOORE: That is fine, Your Honor.

23 THE COURT: All right.

24 Thank you very much.

25 You all may be excused.

1 MR. COLLINS: Thank you, Judge.

2

3 THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT.

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5 Gilbert Frank Halasz, RMR

6 Official Court Reporter

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1 End end

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4 IN THE UNITED STATES DISTRICT COURT

5 FOR THE EASTERN DISTRICT OF VIRGINIA

6 Richmond Division

7 K The United States of America, plaintiff.

8 Versus 3:09 CR 454-01.

9 Dwight an dry forward, defendant.

10 before: Honorable Robert E. pain

11 senior United States District Court judge

12 October 1, 2010 sent S-PBT Richmond, Virginia

13 GILBERT F. HALASZ RMR

14 Official Court Reporter

15 U. S. Courthouse

16 701 East Broad Street

17 Richmond, VA 23219

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19 Appearanceses

20 CHARLES A. KWAUGLY AT TO, ESQ. ASSISTANT UNITED

21 STATES ATTORNEY FOR THE UNITED STATES

22 REGINALD M. BARELY, ESQ. FOR THE DEFENDANT.

23 THE DEFENDANT IN HIS OWN BEHALF:

24 THE CLERK: CLERK.

25 MR. MOORE: QUIGLEY AT TO.

1 MR. COLLINS: BARELY.

2 THE COURT: JUDGE.

3 THE COURT: JUDGE. DEFENDANT DIFFERENT THE
4 DEFENDANT.

5 MR. COLLINS: APOLOGIZE I WAYS RIGHT THERE IN
6 THE CONFERENCE ROOM TPWHR*EF MY EYE AM STR-RS SENIOR
7 RE AFTER THERE MORNING, TOO.

8 THE COURT: WELL YOU ARE ACTUALLY NOT DUE HERE
9 FOR INFORMATION COUPLE MINUTES.

10 MR. COLLINS: Thank you sir.

11 THE COURT: I was early.

12 THE CLERK: Case number 3:09 CR 4545 United
13 States of America versus Dwight an dry Ford. United
14 States is represented by Mr. PHAOEUG EL Moore and
15 Charles KWAUG he at to the defendant is represented
16 by Reginald barely. Are counsel ready to proceed?

17 MR. MOORE: We are Your Honor.

18 MR. COLLINS: Defendant is, sir.

19 THE COURT: All right -FRPLT.

20 MR. MOORE: I am KWEUG he at to (.

21 MR. MOORE: Good morning Your Honor, we are
22 here this morning for a review of the detention
23 order entered Eastern District of New York against
24 Mr. Forward. The government would call KREUS hard
25 man, first.

1 KREUS HARD MAN

2 WAS SWORN AND TESTIFIED AS FOLLOWS:

3 DIRECT EXAMINATION

4 BY MR. MOORE:

5 Q Could you please state your name for the
6 record?

7 A Christopher hard man C. H. R. I. S. T. O. P. H.
8 E. R. H. A. R. D. E. M. A. N.

9 Q What do you do Mr. Hard man?

10 A Special agent with the U. SUFPLT Secret Service
11 from Richmond field office.

12 Q How long have you been with the Secret Service?

13 A For 15 years.

14 Q Are you the case agent assigned to this case?

15 A Yes I am.

16 Q How, have you reviewed the investigation
17 -FRPBLGT yes.

18 Q What did your review of the investigation
19 reveal?

20 A Revealed that on about January 15th, 2008 the
21 defendant Mr. Forward was arrested by the Colonial
22 Heights police department after leaving a target and
23 subsequently going to an AT&T phone store a traffic
24 stop made by the colonial height police department.
25 During which time they discovered roughly 80 access

1 TKE SRAOEUSDZ in his vehicle as well as ten I.
2 phones two play station 3 TKPWAPL systems, two play
3 station P. S. P. game systems. After the discovery
4 of all these items.

5 THE COURT: What is access device?

6 THE DEFENDANT: Credit card.

7 THE COURT: What was the ten what?

8 THE DEFENDANT: Were ten play station sorry ten
9 new I phones.

10 THE COURT: I phones all right go ahead.

11 THE DEFENDANT: After the discovery of these
12 items let detectives from colonial HAEUTS police
13 department contacted the Richmond field office of
14 the Secret Service.

15 BY MR. MOORE:

16 Q At the arrest did Mr. Forward make any
17 statements?

18 A According to the case report from agent miles
19 who was the original case agent Mr. Forward did not
20 make any statements he asked to contact his uncle
21 prior to giving any statements to agent miles.

22 Q Did he say anything about his purchasing of the
23 I phones?

24 A I do not believe so, sir.

25 Q Did he make reference to a Mr. Garcia?

1 A I don't recall reading that in the case file.

2 Q Okay?

3 THE COURT: Well do you recall it?

4 MR. MOORE: If I had something to refresh his
5 memory I would give it to him, Your Honor.

6 I mean I understand Mr. Forward said to Mr. PHA
7 HREUPB in a that he gave him the name Robert Garcia
8 to purchase the I. phones.

9 MR. COLLINS: Judge.

10 THE COURT: I said do you have any evidence? I
11 due not give me one second.

12 THE COURT: You asked bunch of questions and
13 HREP doesn't know what you are talk about.

14 MR. MOORE: Yes.

15 THE COURT: And I mean one of you hasn't done
16 your homework I don't know who it is somebody is not
17 or you shouldn't be asking these questions or
18 something.

19 MR. MOORE: If I could find something to
20 refresh his memory, Your Honor.

21 THE COURT: Do you know how to do this in the
22 future?

23 MR. MOORE: Yes, Your Honor.

24 THE COURT: Now you do it you write out your
25 question an then you have the immediately where it

1 is, at hand, if you need something to either impeach
2 a witness or to refresh his recollection. You then
3 tab that and you indicate it by cross reference to
4 tab with a number or some code then wham when he
5 answers a question in the way you are not expecting
6 you get it out on hand it to him you don't have to
7 root around through a file.

8 MR. MOORE: Yes, Your Honor I apologize.

9 THE COURT: You just prepare for these case
10 just as well you do any other case. I.e. the TKE
11 tension herring they need to be conducted with the
12 same dispatch E TPWEURB EPB se and fairness as all
13 other proceedings.

14 MR. MOORE: Yes, Your Honor.

15 BY MR. MOORE:

16 Q I believe I don't have that report, Your Honor?

17 THE COURT: All right.

18 BY MR. MOORE:

19 Q After the cards were pry TRAOEFD was TR any
20 further analysis done TOFT cards?

21 A Wrist agent AL lien made man the cars through a
22 credit card reader. And he determined that the gift
23 cards had been re encoded with credit card
24 information and on February 23rd of 2009.

25 THE COURT: I don't understand. You mentioned

1 gift cards cards up to now he had credit cards I
2 phones play stations and something KAULTD a P. S. P.
3 What is gift card got to do with anything?

4 THE DEFENDANT: The access device cards that we
5 referred are were comprised of gift cards as well as
6 credit cards.

7 THE COURT: TKPWEUFLT cards and credit cards.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Go ahead.

10 BY MR. MOORE:

11 Q (By The Court) Sorry I TPHOEU understand?

12 BY MR. MOORE:

13 Q The?

14 A The February 23rd, 2009 examination by the
15 Secret Service forensic services division again, the
16 gift cards had been re encoded with credit card
17 information.

18 Q What were those gift cards what do they look
19 like on the face?

20 A I have not seen the gift cards yet sir.

21 Q Have you looked at the report does it reflect
22 what the gift cards were?

23 A I believe there were there was a PHAL Wal-Mart
24 gift card a far get gift card and several others.

25 Q (target).

1 Q Does in forward have any prior arrests?

2 A Yes.

3 Q We will return to his arrest I believe in
4 Douglas ville. Georgia. Can you tell us about let
5 circumstances surrounding that arrest?

6 A That arrest occurred August 31 of 2007 and the
7 information reported by the Douglass ville, Georgia,
8 police department under case number 07-071-2753
9 revealed that the defendant was arrested on a
10 vehicle stop after leaving a toys are us driving a
11 Mercedes PWEPBS the officers discovered a traces of
12 marijuana within the vehicle. As well as 41 gift
13 cards in Mr. Forward's position.

14 Q Was Mr. Forward with anyone?

15 A Yes he was with Georgia I can't early Jones and
16 TPE licks PHA HREUPB in a.

17 Q Let's turn to the Hamilton New Jersey arrest of
18 December 9 of 2007. Can you tell us about the
19 condition the events surrounding that arrest?

20 A Mr. Forward again was arrested on a vehicle
21 stop he was accompanied by again TPE election PHA
22 HREUPB in a and Thomas Carol. During the arrest
23 after leaving a far get and AT&T store they
24 discovered? His vehicle again four I phones, 3 P.
25 S. P.es one I pod touch, as well as several gift

1 cards wrapped in a rubber band.

2 Q After the indictment in this case did the
3 Secret Service contact Mr. Ford to tell him about
4 the indictment?

5 A Yes, sir.

6 A On January 13th, 2010 agent gag he a from the
7 New York field office was contacted by Mr. Ford at
8 which time agent gag he o advised Mr. Ford that
9 there was an arrest warrant issued for him and that
10 at that time Mr. Ford agreed to contact agent miles.

11 Q To your knowledge did Mr. Ford ever contact
12 agent miles?

13 A Mr. Ford never contacted agent miles.

14 Q Returning back I guess to Mr. Forward's
15 criminal history, has Mr. Ford committed any
16 violation under court supervision or has he missed
17 any The Court dates?

18 A Yes.

19 Q Can you tell us what has been chat he committed
20 while under supervision?

21 A I.

22 Q I can be a little more?

23 A His last arrest was the one occurring on
24 September 1st, 2010. Which he was arrested in New
25 York with a during the search alluded 357 revolver

1 was found in the stolen vehicle he was driving.

2 Q Talking about the arrest of September 1st,
3 2010; is that correct?

4 A Yes.

5 Q That took place in Brooklyn?

6 A Yes.

7 Q Okay?

8 THE COURT: Was he driving or not?

9 THE DEFENDANT: He was the driver of the
10 vehicle. It was parked at the time.

11 BY MR. MOORE:

12 Q Do you recall why he was pulled over?

13 A The vehicle was do you believe parked.

14 Q Okay.

15 How did they find the firearm?

16 A The officer searched the vehicle.

17 Q Okay.

18 I guess leading up to his arrest that brought
19 him to Virginia in New Jersey, in August of 2010,
20 August 21st can you tell us about the facts
21 surrounding that arrest?

22 A Again the defendant, Mr. Ford, was driving a
23 lamb grow gee TPHRE.

24 THE COURT: Where what date was this?

25 THE DEFENDANT: This was August 21, 2010.

1 THE COURT: Driving a lamb PWRO gee knee.

2 THE DEFENDANT: Yes, sir, yes, Your Honor.

3 THE COURT: Where was this?

4 THE DEFENDANT: Lakewood township in New
5 Jersey.

6 THE COURT: Okay.

7 THE DEFENDANT: Arrested by New Jersey state
8 police when they observed him driving without a seat
9 belt.

10 Q Did they find anything else after Mr. Ford was
11 pulled over?

12 A There were five access device cards found in
13 the vehicle.

14 Q Okay. Does Mr. Ford have any family ties to
15 Richmond, Virginia?

16 A That I would have to review the notes for, sir.

17 Q Okay. Is Mr. Ford employed?

18 A To my knowledge he is unemployed.

19 Q (By The Court) Do we know whose car that the lamb
20 PWRO gee knee was?

21 A It was rented out of California.

22 THE COURT: Rented where.

23 THE DEFENDANT: Out of California.

24 THE COURT: Who was the renter?

25 THE DEFENDANT: I don't have that information,

1 Your Honor.

2 BY MR. MOORE:

3 Q No further questions, Your Honor.

4 CROSS EXAMINATION

5 BY MR. COLLINS:

6 Q Agent hard man good morning sir?

7 THE COURT: Good morning.

8 Q Now, let's go back to January of 2008. If we
9 could, please, sir in Colonial Heights.

10 A Yes, sir.

11 Q Now, Mr. Ford was not driving the vehicle that
12 was the subject of the traffic stop, was he?

13 A He was not driving that vehicle. That was PHA
14 HREUPB in a cyst TEUR's vehicle.

15 Q Isn't it true also sir that all of the access
16 devices that you have referenced were found in the
17 back of the car, isn't that true, sir?

18 A Aam TPHAOLT S sure.

19 Q Check the notes to confirm that, please sir?

20 A I am not sure of the location where the access
21 devices were found.

22 Q Isn't it true, sir, that none of those were
23 items were found on the person of Mr. Ford?

24 A I am not sure in that particular address in
25 that particular arrest.

1 Q Sir isn't it also true that the I phones the
2 psi the play stations, and other physical items
3 which were found at the time of the stop of Mr. PHA
4 HREUPB in a were located in the trunk of the
5 vehicle?

6 A No, sir I believe there is video evidence of
7 the defendant Mr. Ford in the stores in which those
8 items were purchased.

9 Q My question to you was, where were those items
10 found in the motor vehicle?

11 A Again I am not sure where those items were
12 discovered.

13 Q Is the now true there is no evidence that the
14 items which were found in the motor vehicles were
15 purchased with the access devices that were located
16 in the car in which he was the passenger?

17 A I don't have that information either.

18 Q Sir, you all conducted an in department
19 analyses and you also fingerprinted the access
20 device and other items which were found in that
21 vehicle, didn't?

22 A The access devices were fingerprinted were test
23 tested for fingerprints.

24 Q None of the fingerprints that you all were able
25 to lift from those access cards matched those of

1 Mr. Ford?

2 A According to the report they weren't able too
3 lift, to verify the prints taken from those cards.

4 Q To the extent that fingerprints were lift none
5 of these were matched with Mr. Ford, were they?

6 A Thanks, sir.

7 Q If we could get back to Douglass ville,
8 TKPWARBGS on August of 2007. All those matters have
9 been resolved have they not?

10 THE COURT: What has been revolved?

11 Q The arrest that he referenced from Douglass
12 ville, Georgia. In 2007.

13 THE COURT: I believe he was charged with a
14 traffic AUP fence wasn't he.

15 MR. COLLINS: Yes, sir.

16 THE COURT: Wasn't any charge on the credit
17 card?

18 MR. MOORE: That's correct I just want to make
19 sure they will they were all railway solved since he
20 brought them up on direct KPAEUF.

21 THE COURT: Well there wasn't any resolution of
22 the credit cards?

23 MR. MOORE: No, sir that's correct. Only
24 reference whatever he was charged with there.

25 THE COURT: The charge okay I got you.

1 THE DEFENDANT: The arrest were brought up
2 merely to determine more of a pattern STPHRAO.

3 Q Well sir again Mr. PHA HREUPB in a and
4 Mr. Jones were with him, is that not correct?

5 A That's correct.

6 Q Okay. Now, as far as your records go other
7 than not contacting agent PHAOEULTS down here in
8 extra, (miles) Mr. Ford did contact agent gag Leo
9 and cooperated with him in New York did he not?

10 A He contacted him and indicated that he was
11 going to get in touch with agent miles the case
12 agent at the time and turned himself in subsequent
13 attempts by agent miles to contact defendant Ford
14 negative results.

15 Q He anybody STHAEUTD everything up in New York,
16 is that that is not correct the contacting of the
17 Secret Service agent?

18 A The contacting AOFT Secret Service agent was
19 based upon the Secret Service agent attempting to
20 contact Ford through relatives and different
21 associates in New York.

22 Q My question is that he in turn did contact
23 agent KAG gee toly and AP kite RA other than
24 contacting the agent in Virginia?

25 A After being pursued by agent gag Leo.

1 Q If we could get back to the arrest that was
2 made of him in September of 2010. Is it not true
3 sir that those charges in Brooklyn have been
4 dropped?

5 A The charges on September first 2010?

6 Q Yes, sir that I have been dropped haven't they?

7 A I would have to defer to the counsel on that.
8 I am unsure whether that I have been dropped or not.

9 MR. MOORE: Your Honor, I understand the
10 charges are still pending. New York has a rule you
11 have to indict within 72 hours have taken custody of
12 the defendant and they did not indict but it its my
13 understanding that they are still the SKHARGS are
14 still pending still reviewing the indictment.

15 STKPWHRAO well as of this stage though their THOEUFB
16 dropped if they didn't charge him in 72 hours.

17 Correct? This is the interested of September.

18 MR. MOORE: He was released on bond. They have
19 to as I said they have to indict within 72 hours.
20 They are still reviewing possible indictments.

21 BY MR. COLLINS:

22 Q That is all I V. thank you. Of this agent?

23 THE COURT: All right.

24 MR. MOORE:

25 REDIRECT EXAMINATION

1 BY MR. MOORE:

2 Q I have no further questions and the government
3 rests on its evidence.

4 THE COURT: What evidence did you present?

5 MR. MOORE: Just the testimony of Mr. Hard man.

6 THE COURT: Okay.

7 MR. COLLINS: Judge at this stage I submit
8 there have not been any evidence to change the facts
9 or SEURBGSDZ that were before judge Lauck when
10 Mr. Ford appeared before judge Lauck in this case
11 and I ask The Court to reinstate those terms and
12 conditions of the order that was issued by judge
13 Lauck.

14 THE COURT: All right.

15 MR. MOORE: Your Honor we are here today on
16 review of magistrate judge in the Eastern District
17 of Virginia's order of release. You stayed his
18 order pending this re STRAOU. If you find there is
19 probable cause to believe the TKEUFTS committed a
20 federal state or HRORBG KAL crime while on release
21 or by a clearing and convincing evidence that the
22 defendant has violated any other condition of
23 release we can look towards the 342 G factors.

24 THE COURT: Intent to be putting on here an
25 explanation of the strength of your case?

1 MR. MOORE: Your Honor, one of the 342 G.
2 factors is weight of the evidence EUFRPBLTS what did
3 you prove other than he has some credit cards with
4 him?

5 MR. MOORE: There is, Your Honor, there is
6 sufficient WHRAEUF?

7 THE COURT: In the I heard was a bunch of I
8 don't know and I don't have that information and I
9 haven't done that and I haven't done this.

10 MR. MOORE: Yes, Your Honor.

11 THE COURT: He got arrested with all of test
12 TKE STREUSZ at various times. What kind of evidence
13 is that? That support the charge you are supposed
14 to show that you have got some kind of evidence to
15 support the charge against him.

16 MR. MOORE: Your Honor,.

17 THE COURT: Do you have fly I have had that he
18 used the credit card device?

19 MR. MOORE: Yes, Your Honor.

20 THE COURT: Did you PWRE sent it this morning?

21 MR. COLLINS:

22 MR. MOORE: Only in summary.

23 THE COURT: It was so summary I didn't
24 understand it.

25 MR. MOORE: I understand, Your Honor.

1 THE COURT: So how can I KHRUD that you have
2 got a case even?

3 MR. MOORE: Your Honor, the indictment was --
4 the indictment is not under review it is -- there
5 is.

6 THE COURT: That isn't the point. One of the
7 factors on whether he is released it strength of
8 your case you have got a lose SER on a week case I
9 take that STPWO account and TK in deciding whether
10 it is appropriate to detain him and what you did is
11 come in here and HO human it.

12 MR. MOORE: Yes, Your Honor.

13 THE COURT: Yes you did.

14 THE COURT: Why should I confine in man based
15 on your decision to come in here and do a little
16 song and dance routine that didn't prove anything
17 and that other than he had credit cards?

18 MR. MOORE: If we go back to the AO original
19 conditions Mr. Ford failed to meet those conditions.
20 The WHRAEULT.

21 THE COURT: We are not talking about that that
22 you canning about the weight of the evidence STPHRAO
23 Yes, Your Honor. There would be -- if -- there is
24 ample evidence to suggest that Mr. Ford did commit
25 these crimes?

1 THE COURT: What evidence do you have that is
2 ample?

3 THE COURT: What the ample?

4 MR. MOORE: Video of TPWRAEUPL photos of him in
5 the A. T. F. STOERLS in the tar TKWET STPOERS using
6 these gift cards. I tried to keep the detention
7 brief or the agent.

8 THE COURT: Kept it so brief you didn't do
9 anything.

10 THE COURT: He didn't know any way he stayed I
11 understand there are videos apparently STHAPBT even
12 looked at them.

13 MR. MOORE: That's correct.

14 THE COURT: You ever somebody so busy they
15 can't get a case together for URS and understand
16 what it is?

17 MR. MOORE: Your Honor.

18 MR. MOORE: Your Honor he is new agent to the
19 case the investigating KAGT.

20 THE COURT: Where is other investigating agent?

21 MR. MOORE: I believe agent ago transferred to
22 Washington, D. C., Judge.

23 THE COURT: How TPHAR is Washington from here?

24 MR. MOORE: It is only 95 miles Your Honor.

25 THE COURT: Get himself in a carnd get down

1 here don't you rely on somebody that doesn't know
2 anything about the case.

3 MR. MOORE: Yes, Your Honor.

4 THE COURT: What do you think this is? We
5 don't just take I am not just going to take a -- the
6 word of somebody WHROP doesn't know anything. As
7 evidencing that there is proof that he committed the
8 crime.

9 MR. MOORE: I understand, Your Honor. And at
10 trial the agent.

11 THE COURT: Not talking about at trial I want
12 to you do it right. You get the agent down here and
13 let's hear it right. I am concerned about this
14 defendant. And about releasing this defendant
15 because of a number of things. What has happened
16 here it United States has come in herewith a STHREUP
17 shod operation to try to show that there is some
18 kind of case. I couldn't even understand what the
19 case is based on what was told me this morning.

20 MR. MOORE: Yes, Your Honor.

21 THE COURT: I have got the indictment here so I
22 know that certainly you are bound to have some
23 evidence of what this is about.

24 MR. MOORE: Yes, Your Honor EUFRPBLTS but the
25 didn't isn't the evidence here.

1 MR. MOORE: Yes, Your Honor.

2 THE COURT: Okay.

3 You tell the agent to be here can you been here
4 on Monday afternoon Mr. Barely?

5 MR. COLLINS: No, sir I can tell you now not
6 Monday.

7 THE COURT: Or Monday morning.

8 MR. COLLINS: I have a hearing that is set and
9 has been set for couple months now in Henrico
10 circuit court during that morning judge I am going
11 to be in Henrico circuit court also I TPHOEU Monday
12 is out.

13 MR. COLLINS: I can tell you that Wednesday is
14 going to be out, totally for me because I have been
15 attending aunt funeral North Carolina leaving late
16 either Tuesday evening or very early Wednesday
17 morning for that.

18 THE COURT: How about Thursday?

19 MR. COLLINS: I am available on the morning of
20 Thursday, yes, sir.

21 THE COURT: Thursday morning at 10:00 o'clock.
22 I don't care what that agent is doing he is coming
23 here?

24 MR. MOORE: Yes, Your Honor.

25 THE COURT: Our your case I am not going to pay

1 fly attention to you. Let me tell you something
2 when you bring a charge against somebody in this
3 court you better be prepared to stand and deliver
4 and you don't just come in here and HO human it.
5 That is not right.

6 MR. MOORE: Yes, Your Honor EUFRPBLT sit
7 insurance are not treated that WAEUFPLT.

8 MR. MOORE: Yes, Your Honor.

9 MR. COLLINS: Your Honor, in the meantime can I
10 ask TKOURLT his aunt who resides here in Virginia
11 and Herndon is available to serve as third party
12 custodian for him pending that I would ask The Court
13 to release him to her custody and I could bring her
14 name, forward her name is begin knee SRE TKPWEUB
15 son. She lives in the Eastern District of extra
16 sand she and her daughter are here they have come
17 down from Herndon she I proffer to The Court their
18 more than happy to serve as third party just
19 custodian both law abiding sits EPBLS no conviction
20 for anything.

21 THE COURT: There hasn't been any investigation
22 by the probation officer on that has there?

23 MR. MOORE: No, Your Honor.

24 PROBATION OFFICER: No, Your Honor.

25 THE COURT: All right. Well, I have to say

1 this. Mr. Ford -- the magistrate judge found that
2 there was sufficient grounds strength of the opinion
3 to impose certain kinds of conditions. Strength of
4 the evidence.

5 But, we have since had and frankly this is
6 SREPL SORS distressing things that I see here in the
7 record about him driving lamb PWRO gee knee rented
8 out of where was it do you intend to even find out
9 who the many lamb PWRO begin TPHRE was rented to?

10 MR. MOORE: Yes, Your Honor.

11 THE COURT: You going to do a loot of homework
12 between now and then ERPBT you?

13 MR. MOORE: Yes, sir.

14 THE COURT: You better due it right that is the
15 has chance you have got.

16 MR. MOORE: Yes, Your Honor.

17 THE COURT: What is the status of these KARGS
18 up in New York?

19 MR. MOORE: Your Honor, because Mr. Ford is
20 outside the jurisdiction of New York they have to
21 not writ him over but they have to get jurisdiction
22 over him they just can't I was talking to the A. D.
23 I. yesterday there is a process to go through before
24 they can indict him.

25 THE COURT: Just that is TKO*US double speak.

1 MR. MOORE: Not current lip under indictment.

2 They are trying to indict him.

3 THE COURT: What do they know about what
4 evidence do they have about whether he was driving a
5 stolen car apparently.

6 MR. MOORE: Yes, Your Honor.

7 THE COURT: Stolen car had a 357 in it TPHAO
8 Yes, Your Honor EUFRPBLT what evidence will you put
9 on about that?

10 THE COURT: I but you will find some won't you
11 TPHAO yes -RS Your Honor.

12 THE COURT: All right. If you want The Court
13 to exercise its power you better take serious your
14 responsibility to prove things to TKOURLT.

15 MR. MOORE: Yes, Your Honor.

16 THE COURT: I don't think it is in the interest
17 of the citizen try to release the defendant pending
18 this further TK-RPL nation. I don't even have
19 TPHAPB examination PRAP perhaps the probation office
20 can look into those had December would be W-R own of
21 them would be a proper third party custodian and
22 have is a that information STRAEUBL for me on
23 Thursday.

24 MR. COLLINS: Yes, sir.

25 THE COURT: I will consider it at that time.

1 MR. COLLINS: Yes, sir.

2 MR. MOORE: Yes, Your Honor.

3 THE COURT: In addition to that, I want the PWRE
4 tile services office to do its own examination I
5 guess this is the done by our offices hire are.

6 MR. COLLINS: Yes, sir it was.

7 THE COURT: Because pretrial service's office
8 concluded there were flow conditions of release I
9 believe the last time. Okay. All right. Now, Mr.
10 Moore, you know better than that I don't ever
11 want there happening.

12 MR. MOORE TWO: We will be having further
13 discussions on what happened today Your Honor rest
14 assured.

15 THE COURT: Doesn't do any good to bring
16 witnesses in here who give you I don't know?

17 MR. MOORE: Yes, Your Honor.

18 THE COURT: That is asking a question you are
19 not proving anything and wasted Mr. Barely time what
20 I ought to do is make you pay for his fees that I am
21 going to have to pay. Because you weren't ready.
22 All right. We will be in see you on Thursday
23 Mr. Barely.

24 MR. COLLINS: Thank you sir.

25 THE COURT: We will be in recess:

1 HEARING ADJOURNED. THE FOREGOING IS A TRUE AND
2 CORRECT TRANSCRIPT.

3 GILBERT FRANK HALASZ, RMR
4 OFFICIAL COURT REPORTER

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